

08/07/01

JC944 U.S. PTO

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Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	ESPN 9004CIP
First Inventor	Wendi V. Rodriguez
Title	LIPOSOMAL COMPOSITIONS, AND METHODS OF USING LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS
Express Mail Label No.	EL 717 748 851 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **140**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **40**]
5. Oath or Declaration [Total Pages **3**]
  - a. ☒ Unexecuted
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Other: .....

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No.: 09 / 071,974

Prior application information:

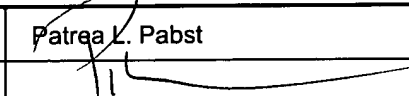
Examiner

Group / Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name	Patrea L. Pabst Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center 1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	USA	Telephone	404-817-8473	Fax	404-817-8588

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature		Date	8/7/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 355.00)

## Complete if Known

Application Number	
Filing Date	August 7, 2001
First Named Inventor	Wendi V. Rodriguez
Examiner Name	
Group Art Unit	
Attorney Docket No.	ESPN 5004 up

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1868  
 Deposit Account Name: Holland & Knight LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

## 2. EXTRA CLAIM FEES

Total Claims: 20 -20 = 0 X Fee from below = Fee Paid  
 Independent Claims: 1 -3 = 0 X Fee from below = Fee Paid  
 Multiple Dependent: Fee from below = Fee Paid

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ - 0 -)

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

## SUBMITTED BY

Name (Print/Type) Patrea L. Pabst

Registration No. (Attorney/Agent)

31,284

## Complete (if applicable)

Telephone (404) 817-8473

Signature

Date

8/7/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope

Serial No.: Express Mail Label  
No.: US 717 748 851 US

Filed: August 7, 2001 Date of Deposit: August 7, 2001

For: LIPOSOMAL COMPOSITIONS, AND METHODS OF USING  
LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

**EXPRESS MAIL TRANSMITTAL LETTER  
FOR PATENT APPLICATION AND CERTIFICATE OF MAILING**

Sir:

Pursuant to 35 U.S.C. § 21(a) as amended by Public Law 97-247 and 37 C.F.R. § 1.10, applicants enclose for filing the attached patent application entitled "*Liposomal Compositions, and Methods of Using Liposomal Compositions to Treat Dislipidemias*", which is a continuation-in-part of allowed application U.S.S.N. 09/322,336 filed May 28, 1999, which is continuation of U.S.S.N. 09/175,553 filed October 20, 1998, now U.S. Patent No. 6,139,871, which is a continuation of U.S.S.N. 08/507,170 filed July 26, 1995, now abandoned, which is a continuation of U.S.S.N. 08/206,415 filed March 4, 1994, now abandoned; and which is a continuation-in-part of U.S.S.N. 09/071,974 filed May 4, 1998, which is a divisional of U.S.S.N. 08/728,766 filed October 11, 1996, now U.S. Patent No. 5,746,223, which claims priority to U.S.S.N. 60/005,090 filed October 11, 1995. The application includes 1 page of abstract, 136 pages of specification, 3 pages of claims, 40 sheets of formal drawings, and an

Title: "Liposomal Compositions, and Methods of Using  
Liposomal Compositions to Treat Dislipidemias"  
Filed: August 7, 2001  
Express Mail Transmittal Letter for  
Patent Application and Certificate of Mailing  
Express Mail Label No.: EL 717 748 851 US  
Date of Deposit: August 7, 2001

unexecuted Declaration for Patent Application. An executed Declaration for Patent Application, Assignment of rights in the application, Power of Attorney or Authorization of Agent, and Statement Under 37 C.F.R. § 3.73(b) will be submitted shortly.

The Commissioner is authorized to charge Deposit Account No. 50-1868 in the amount of \$355.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee for a small entity as the application contains 1 independent claim, and a total of 20 claims.

This application is entitled to claim small entity status under 37 C.F.R. § 1.27.

This application is being filed on August 7, 2001, by mailing the application to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper that is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment in connection with this application, to Deposit Order Account No. 50-1868. To facilitate this process, applicants have enclosed a duplicate of this letter.


Title: *"Liposomal Compositions, and Methods of Using  
Liposomal Compositions to Treat Dislipidemias"*  
Filed: August 7, 2001  
Express Mail Transmittal Letter for  
Patent Application and Certificate of Mailing  
Express Mail Label No.: EL 717 748 851 US  
Date of Deposit: August 7, 2001

All correspondence concerning this application should be mailed to:

**Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
Suite 2000, One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400**

**(404) 817-8473  
(404) 817-8588**

Respectfully submitted,

  
\_\_\_\_\_  
Patrea L. Pabst  
Reg. No. 31,284

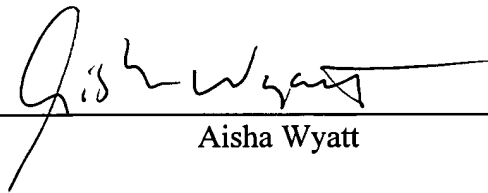
Date: August 7, 2001

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(404) 817-8588 (Fax)

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Patent Application and Certificate of Mailing  
Express Mail Label No.: EL 717 748 851 US  
Date of Deposit: August 7, 2001

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this Express Mail Transmittal Letter for Patent Application and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, August 7, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. US 717 748 851 US, addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

  
Aisha Wyatt

Date: August 7, 2001

ATL1 #476720 v1